

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

IRIS CRUZ RAMOS, CARLOS CRUZ AND THE  
CONJUGAL PARTNERSHIP CONSTITUTED  
BETWEEN THEM,

Plaintiffs,

v.

TORO VERDE CORP.  
UNIVERSAL INSURANCE COMPANY

Defendants.

CIVIL No. 21-1078

RE: TORTS

DEMAND FOR JURY TRIAL

**COMPLAINT**

**TO THE HONORABLE COURT:**

**Come Now** plaintiffs, Iris Cruz Ramos and Carlos Cruz, represented by the undersigned counsel, and respectfully states, alleges and prays as follows:

**JURISDICTION AND VENUE**

1. This court has jurisdiction pursuant to 28 U.S.C. § 1332 since the plaintiffs are citizens of the City of Philadelphia, PA the defendants are citizens of the Commonwealth of Puerto Rico and the amount in controversy excluding interest and costs amount to a sum in excess of \$75,000.00.

2. Venue is proper in this district on account that the facts alleged herein took place in this district.

**THE PARTIES**

3. Plaintiffs Iris Cruz Ramos "Iris" and Carlos Cruz "Carlos" are of legal age, married to each other, and citizens of the State of Pennsylvania.

4. Toro Verde Corp. is upon information and belief a corporation organized pursuant to the laws of Puerto Rico with a principal place of business in Puerto Rico.

5. Universal Insurance Company is the insurance company who had issued public liability insurance policies for the benefit of any or all Defendants and that were in full force and effect at all times relevant herein and which provide coverage for the acts and/or omissions alleged herein. Universal Insurance Company is herein included under the direct action provisions of Article 20.030 of the Puerto Rico Insurance Code, 26 Laws P.R. Ann. § 2003.

### **THE FACTS**

6. On July 28<sup>th</sup>, 2018 co-plaintiff Iris Cruz visited the Toro Verde Adventure Park located in Orocovis, Puerto Rico, while walking to the parking lot she tripped and fell due to the terrible and unstable conditions of the trail. No sign indicating the trail's conditions had been placed.

7. Iris suffered serious injuries as a result of this fall, mainly to the right foot and ankle, and with considerable swelling and pain. She has had numerous physical therapies. These conditions are directly related to the fall at Toro Verde Adventure Park on account of the trail conditions.

8. Moreover, as a result of the fall, Iris suffered serious injuries that required surgery due to a fracture in her right foot and ankle in which a metal piece and surgical screws were installed to stabilize her ankle and foot.

### **FIRST CAUSE OF ACTION**

9. The damages suffered by Iris were the direct consequence of the Defendants' negligence. Due to the above referred accident Iris suffered substantial physical damages and

received the following medical treatment which damages are reasonably estimated to be \$500,000.00 dollars.

- 21 physical therapies
- 1 surgical metal piece installed in the right ankle.
- 9 screws colocated in plaintiff's right ankle and right foot.
- 1 week stay at the Hospital
- 12 weeks immobilized in her house
- Fracture in plaintiff's right ankle
- Fracture in plaintiff's right ankle
- 7 stitches due to the surgery
- Surgery and general anesthesia
- 3 visits to the Hospital
- 6 X-Rays
- Permanent scar in her right ankle and foot.

10. As a proximate cause of Toro Verde's negligence, Iris underwent a great amount of anguish and suffering in such times as, but not limited to, when she had to undergo surgery and stay at home immobilized for a period of twelve (12) weeks.

11. As a proximate cause of Toro Verde's negligence, Carlos underwent a great amount of anguish and suffering in such times as, but not limited to, when he saw his wife suffering after the surgery and staying at home immobilized for a period of twelve (12) weeks.

12. Iris sustained the above referred injuries due to the dangerous conditions of the premises at Toro Verde Adventure Park, which have also caused her serious emotional and mental anguish, which damages are reasonably estimated to be \$100,000.00.

#### **SECOND CAUSE OF ACTION: SPECIAL DAMAGES**

13. Iris has incurred in approximately \$1,000 in medical bills for her numerous treatments.

14. In addition, Iris had to use all her sick and vacation license hours accumulated in her work due to the recovery period of 12 weeks. The total of hours used by Iris were 1,000 hours at \$25.00 per hour which totalizes \$25,000.00.

**WHEREFORE**, it is respectfully requested that the defendants be condemned to pay to the plaintiffs' full compensation for the damages caused by defendants' negligence and a reasonable amount for attorney fees and costs.

Trial by jury is hereby demanded.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 16<sup>th</sup> day of February 2021.

*s/Rubén T. Nigaglioni*

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